

Commercial Whale Watching Licensing Program Rulemaking

Advisory Committee Meeting

Facilitators: Julie Watson, WDFW
Shelby Thomas, Ross Strategic

May 2020



Washington
Department of
**FISH and
WILDLIFE**

Greetings, Audience!

- SEPA Public Meeting 3-5pm
- Ground Rules
 - Keep your comments to public comment periods, and listen respectfully otherwise
 - Adhere to the time limit given for your comments
 - Recommendation for comments: pertinent to rulemaking, constructive, respectful, within scope
 - Side conversations should be kept to breaks
 - No recording
- Thank you for your time and interest!



Agenda

- Welcome & updates
- Rulemaking process check-in

Break

- Straw proposals & evaluations

Lunch

- Rule logistics with Intergovernmental Coordination Group
- SEPA scoping public meeting



Dave Ellifrit, Center for Whale Research



Draft Timeline

SPRING

SUMMER

FALL

5/28-29/2020

9/11-12/2020
FWC mtg 0

10/22-23/2020
FWC mtg 1

12/3-4/2020
FWC mtg 2

4/15-16
Mtg

4/30
Call

5/28-29
Mtg

6/24
Mtg

7/8
Mtg

Co-
Present

4/7
call

Joint
Mtg

Sci.
Meet

Work-
shops

Panel
Meets

6/7 Report
due

Review
Draft

Adaptive
Mgmt Recs

Review
Draft

Ideas Survey/
SEPA Scoping

EIS
Comment

102 Comment
& public mtg

8/31 SEPA
Draft EIS

SEPA
Final EIS

CR-101
filing

8/31
SBEIS

CR-102
filing

CR-103
filing

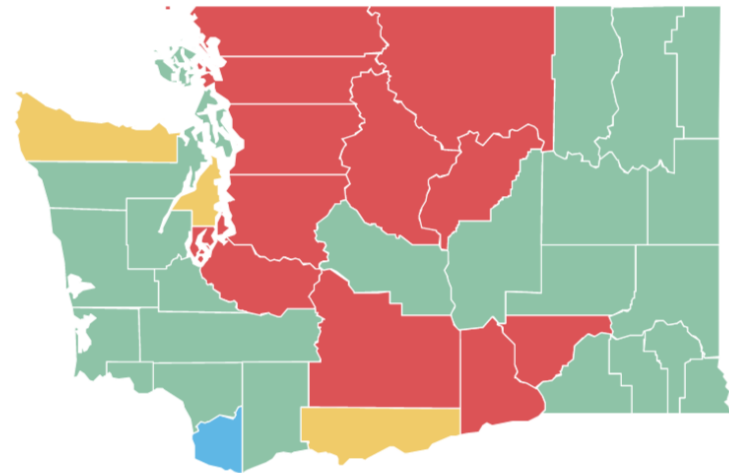


Introductions

- **Name & affiliation**
- **Tell us about one of your favorite restaurants, breweries, or coffee shops.**
 - Where is it, and what do you recommend we order?



Phased Reopening



● Phase 1 ● Phase 2 ● Phase 2 Eligible ● Phase 2 Under Review/Applied

- Washington state's reopening plan has four phases, starting with Phase 1 as the most restrictive, to Phase 4 being the least restrictive.
- Phase 2 Under Review includes counties that have applied and those whose applications are under review because of new outbreaks.



Process updates

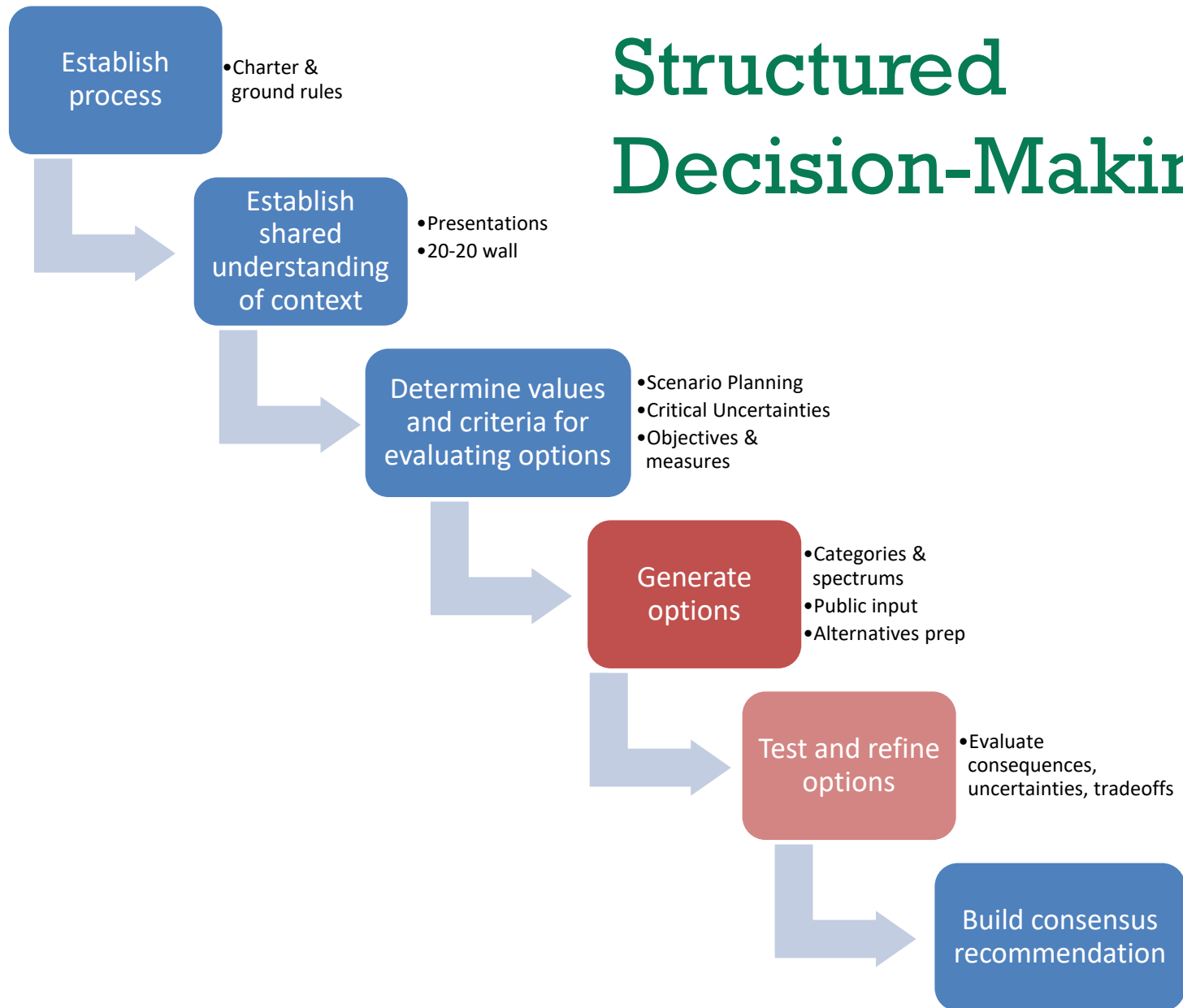
Process check-in

- **SEPA-** Shelby
- **SBEIS/economic analysis-** Shelby/Jen
- **Science Panel-** Jessica
- **Advisory Committee process-** Julie
- **Communications/public engagement-** Eryn/Julie



**YOU
ARE
HERE**

Structured Decision-Making

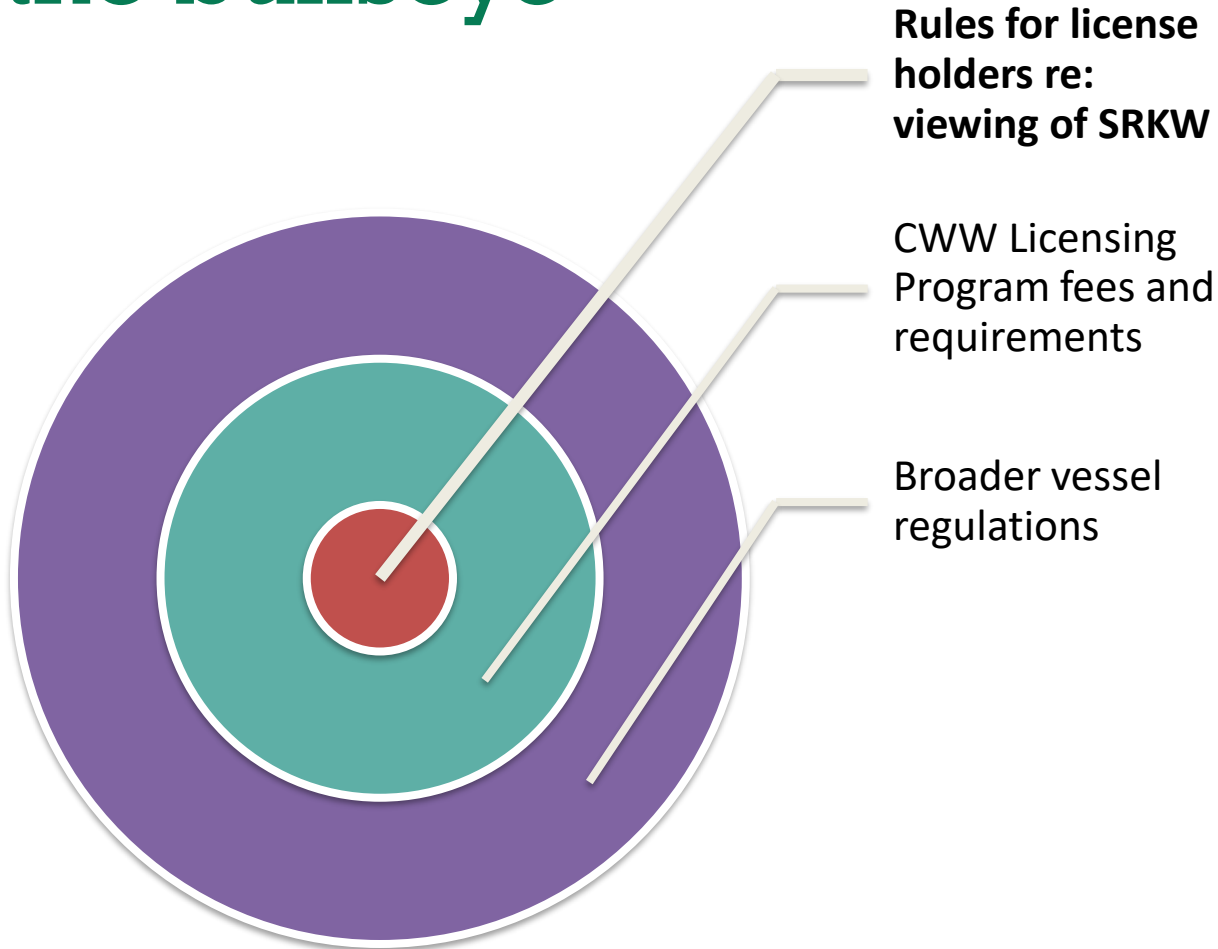


RCW 77.65.620 Section 1

The department must adopt rules for holders of a commercial whale watching license established in RCW [77.65.615](#) for the viewing of southern resident orca whales for the inland waters of Washington by January 1, 2021...



The Advisory Committee rules recommendation needs to focus on the bullseye



RCW 77.65.620

The rules must be designed to reduce the daily and cumulative impacts on southern resident orca whales and consider the economic viability of license holders.



The department shall at a minimum consider protections for southern resident orca whales by establishing limitations on:

(a) The **number of commercial whale watching operators** that may view southern resident orca whales at one time;

(b) The **number of days and hours** that commercial whale watching operators can operate;

(c) The **duration spent in the vicinity** of southern resident orca whales; and

(d) The **areas** in which commercial whale watching operators may operate.



Optimizing

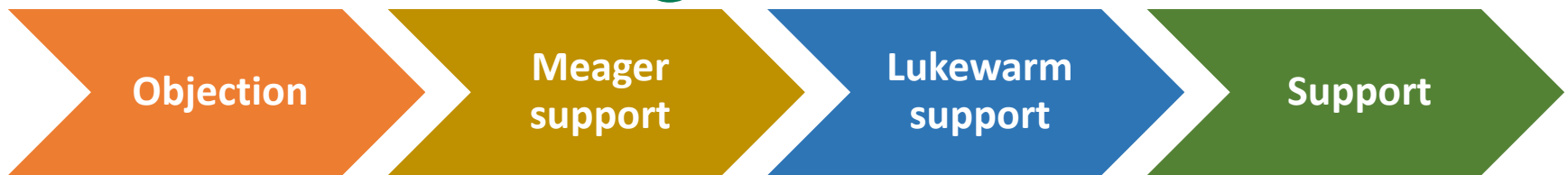
Indirect effects
benefitting SRKW

Implementable, enforceable,
measurable, and able to be
adaptively managed

The rules must be
designed [using best
available science] to
reduce the **daily and
cumulative impacts** on
southern resident orca
whales and **consider
the economic viability**
of license holders.



Gradient of Agreement



1	Support/endorsement	"I really like it," or "I'm happy with it."
2	Agreement with minor points of contention	"I basically like it. It's not perfect, but pretty good."
2	Support with reservations	"I can live with it," or "I support it for now, pending additional information," or "I think we're headed the right direction."
3	More discussion needed	"I/we haven't worked through the issues well enough yet," or "I'm feeling neutral or undecided."
3	Don't like, but will support	"I want my disagreement noted, but I can support the decision."
4	Serious disagreement	"I'm not on board with this proposal at this point."



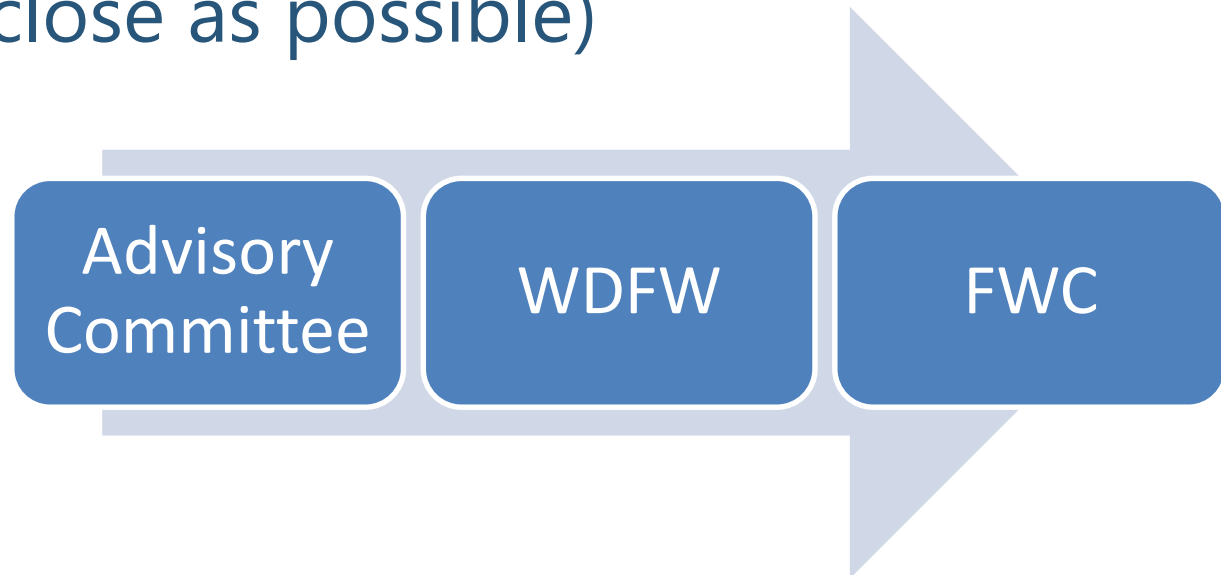
Decision-making



Pulse check: mid-discussion, non-final vote

Consensus is the objective: **full, enthusiastic support** (or as close as possible)

Advisory role:



Advisory
Committee

WDFW

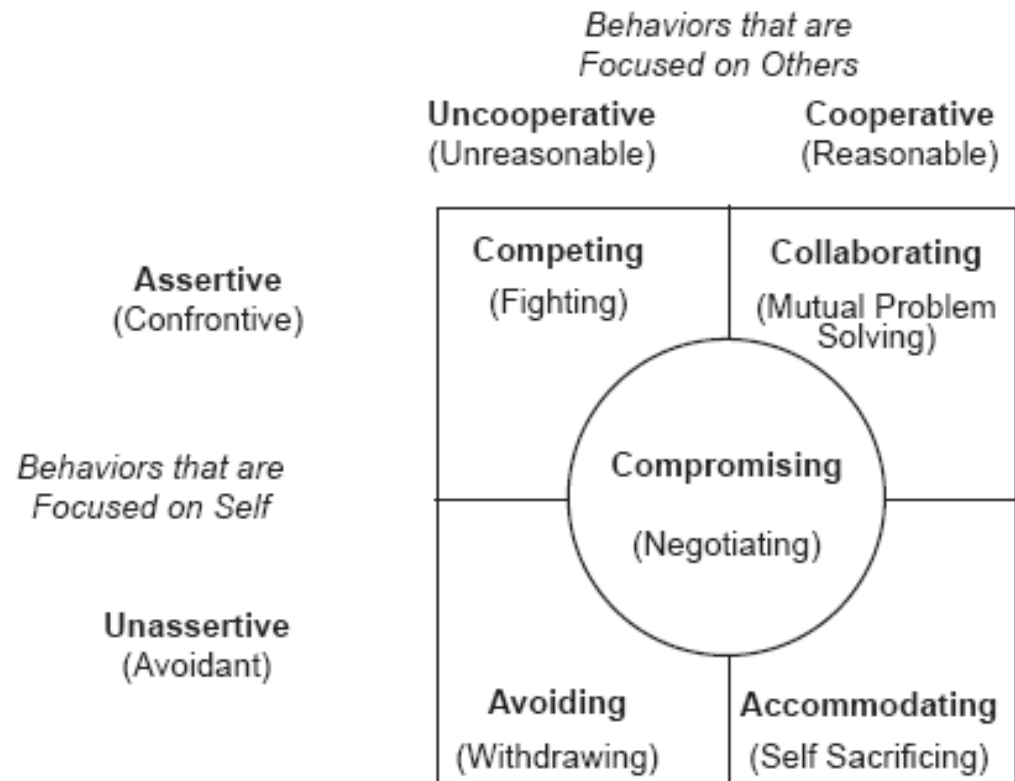
Science
Panel

WDFW

FWC

2SSB 5577

“The department must use the **best available science** in the establishment of the southern resident orca whale watching rules and continue to **adaptively manage the program** using the most current and best available science.”





Break

Straw Proposals

- Rule options from legislation
 - 7 included limits on # of boats viewing SRKW at one time*
 - 3 included limits on time spent with SRKW
 - 2 included limits on areas where SRKW viewing would be allowed
 - 2 included provisions for time of day/conditions
- Kayaks
 - 4 included rules for kayak operations
- Enforcement
 - 4 included use of AIS*; 3 had other enforcement-focused recommendations
 - 4 included a requirement that WDFW be notified of SRKW presence/locations
- License requirements
 - 5 included stipulations for licensing

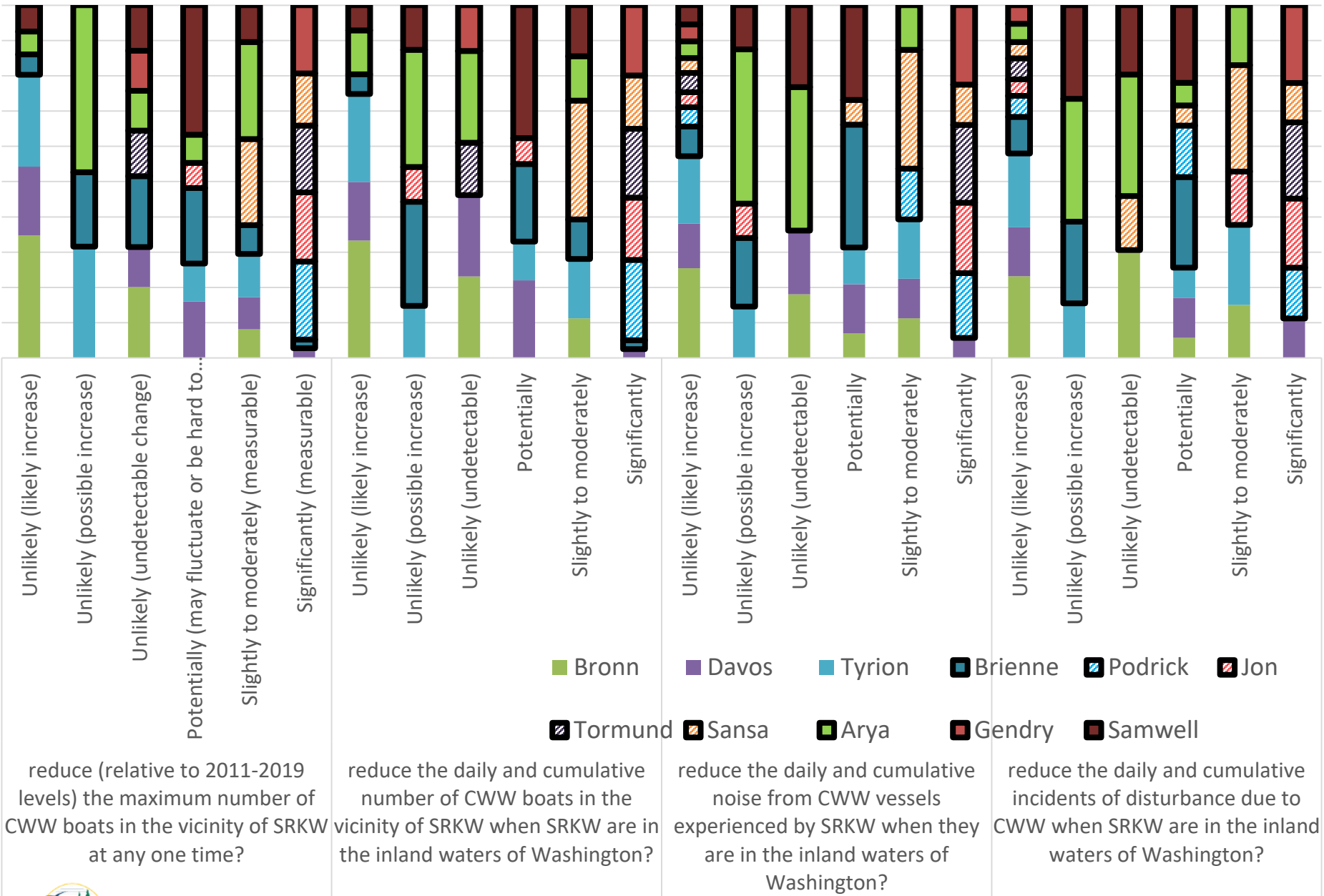
Other themes:

- Codifying aspects of KELP and PWWA practices
- Demonstrating expertise
- Messaging is important

*key:

#boats = outlined
AIS = hatched





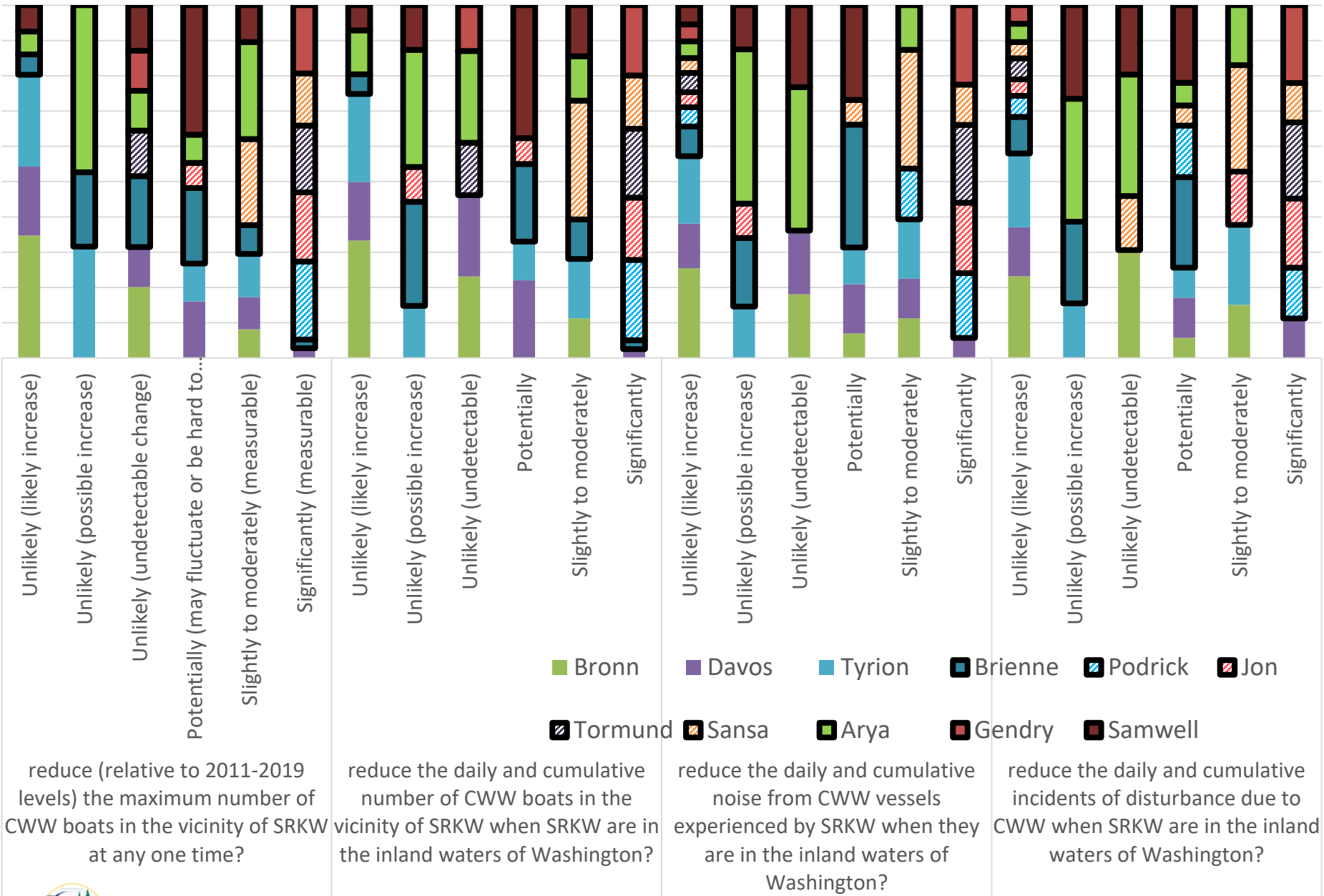
reduce (relative to 2011-2019 levels) the maximum number of CWW boats in the vicinity of SRKW at any one time?

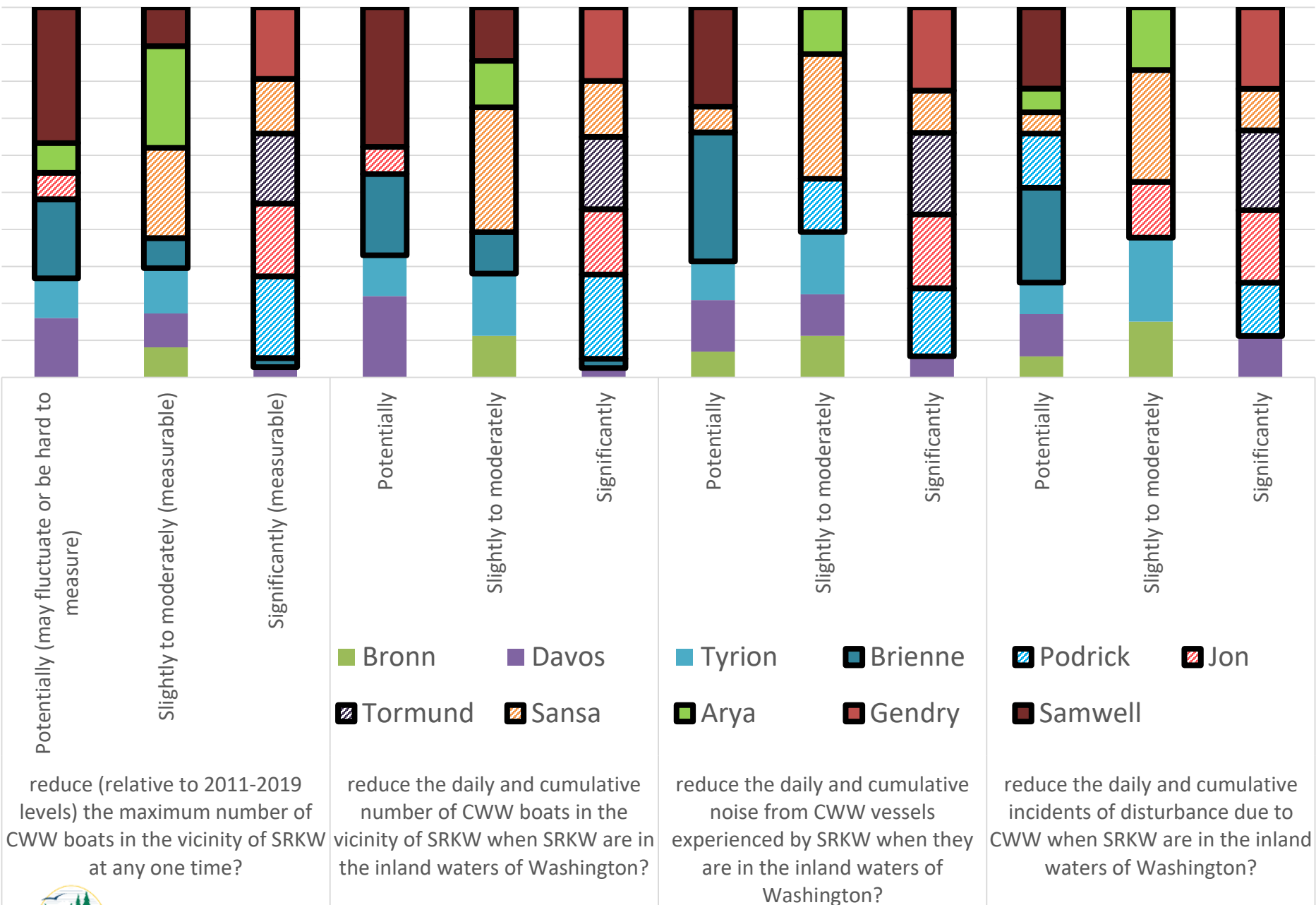
reduce the daily and cumulative number of CWW boats in the vicinity of SRKW when SRKW are in the inland waters of Washington?

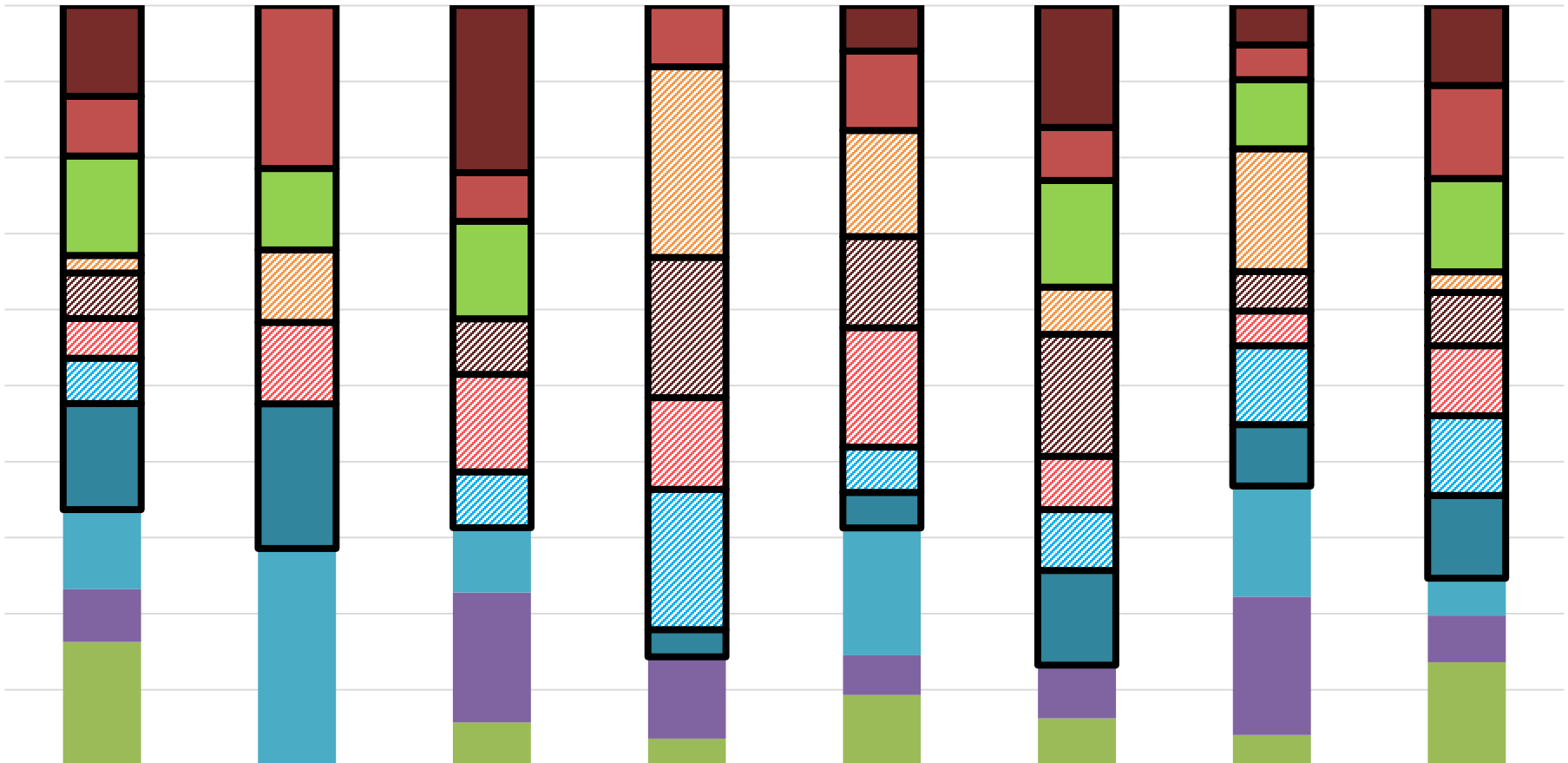
reduce the daily and cumulative noise from CWW vessels experienced by SRKW when they are in the inland waters of Washington?

reduce the daily and cumulative incidents of disturbance due to CWW when SRKW are in the inland waters of Washington?









allow for tracking, monitoring, and enforcement of vessel and CWW rules? consider the economic viability of license holders?

- Bronn
- Davos
- Tyrion
- Brienne
- Podrick
- Jon
- Tormund
- Sansa
- Arya
- Gendry
- Samwell



Reflections for Round 2

- Full evaluations posted to Box
- Science Panel report
- Round 2- collaboration encouraged
- Update surveys
 - Clearer kayak fields
 - Evaluation reflect WSAS report
 - Custom evaluation surveys?
 - Other?
- Panel comments on options





Lunch

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Administrative challenges and opportunities?

- License conditions
- Reporting requirements
- Communicating closures



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Enforcement challenges and opportunities?

- Assuming enforcement is not always on the scene



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International coordination challenges and opportunities?

- “vicinity” definition
- US and Canadian operations



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Compliance tracking and reporting challenges and opportunities?

- Measuring compliance
- Monitoring outcomes





Break- transition to SEPA EIS scoping public meeting

